

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF MISSOURI

EASTERN DIVISION

In Re Paul Wojciechowski)
) 16-42442
and) Ch 13
Mary Wojciechowski) October 13 2016
)
Debtors)

Creditor Susan H Mello and Susan H Mello LLC's Motion for continuance and to compel items on LR 1030 request and Motion in limine

Comes now creditor/claimants Susan H Mello and Susan H Mello LLC and per LR 1030 and moves for an order compelling the production of the documents on the 9.22.16 LR 1030 written request, for an order in limine barring debtor and debtor counsel from making any claims contrary to or concerning what would have been in the LR 1030 listed documents and for a continuance to allow the documents to be provided for the 10/13 Motion to dismiss hearing :

1 This is a ch 13 case in which the undersigned is a party as a listed creditor and has duly filed a verified claim to which there was no Objection and having filed an Objection and Motion to Dismiss.

2. As filed there are serious questions on the good faith of the debtors and the submission of

false and dishonest schedules as set out in the filed Objections and Motion to Dismiss submitted by the undersigned .

3 Pursuant to LR 1030 there is a right to send a party a written request for documents by email or letter to which a response is due in 14 days .

4. Pursuant to LR 1030 on or 9.22 the undersigned duly served a LR 1030 request on debtor counsel to have in time for the 10/13/2016 hearing .

5 The request sought the following items from the debtor:

- 1 On his new job with SSE Paul Wojcicehowski 's
 - employment agreement
 - job application and resume
 - withholding forms
 - health insurance forms showing the plans available summary benefit plan with costs
 - Any wage withholding or other request for payroll deduction for child support copied from OSCE or requested
 - any information on employee benefits ,such as bonus, over time, holiday pay reimbursement for mileage company provided phone , ability to take added payment in lieu of time off, help for payment of student loans
 - payslips since 9/1/16
- 2 Complete signed tax return with all schedules
3. The utility bills and receipts/ cancelled checks since Jan 1 2016, any contract for the phone, TV, internet, the streaming, the misc phone expenses, , for 636 Undercliff Hazelwood or Debtors
- 4 Receipts , checks, annual form or other documentation of the donations to St Stans since July 1 2016
- 5 Receipts for the \$1000/mo in food bills , since August 1 2016
- 6 The educations expense amounts since March 1 2016
- 7 Receipt for child care expenses since 1/1/2016
- 8 Bank records since February 2016 including where deposited the tax refund and how spent

9. Any communications with Elaine Pudlowski since 1.1.16 on amounts due her

10. Any communications with Personal Finance Co (PFC) on the amounts due it since 8/1/15

11. Any communications with the owner US Bank as Trustee or Shellpoint on the second mortgage since 12/10/15

12. The Ameren bills and payments for the Charlack Avenue property since 1/1/15

13 Calendar showing days off since 10/1/14

and any meetings with counsel on a potential bankruptcy

14 Any cell phone account log of the cell phone calls made from 10.1.15 to 3.29.16 when called the office of Angela Redden-Jansen or any other attorney or person to prepare or consult on a bankruptcy

15 Any documents you brought to your first meeting with Angela Redden-Jansen

16 Any email or other communications to third parties where they mentioned their intention to file bankruptcy or mentioned or referred to the results of the modification or the bill from Susan Mello or need to pay her from 9/1/14 to 4/11/16

17 Any communications with .., MSD and Republic (Trash hauler) on the bill for the Charlack Ave property since 5/1/15

18 The receipts and cancelled checks for the home repair expense of \$125 since 1/1/16

19 . Cancelled checks and payments to Peter Wojciechowski since 11/1/15

20 The payments and bills from the first mortgage holder Ditech from 12/10/15 to 4/11/16

21. Any loan or credit card application by Paul or Mary Wojciechowski since 9/1/15...

23 Any medical bills incurred by the debtors since 12/10/15

23. The 2012 truck purchase records for the truck owned by Paul Wojciechowski

24 Any recent drug test of Paul Wojciechowski

25 . Any notes from Patricia Wojciechowski on amounts due for medical and other expenses for the children, the spreadsheet and records of payment (cancelled check, bill pay record) since 12/10/15

26 Any fee agreement with Angela Redden-Jansen and/or O'Gorman firm or The Bankruptcy Shop and fee bills on same and cancelled checks or bill pay records on payment to her since 10/1/14

27 Any communications to the Trustee including exhibits sent and corrections made of false statements in the schedules

end of list

6. The request is proper and directly relates to the issues raised in the Objections and the Motion to Dismiss and are needed to put the undersigned for an evidentiary hearing on the

issues .

9 The items were due October 7, 2016 .There was no response or reply.

10 On 10/10/16, the undersigned contacted debtor counsel and asked for the items and even offered to get them .

11.. The response was a refusal contention the order date d 10/6/16 doc no 87 somehow barred the items when what it said was “neither Plaintiff nor Defendants may propound any further discovery requests” , this was a prior request.¹.

12. The undersigned made such efforts as would be proper , and where debtor counsel will not take phone calls and still has yet to return calls made, send her an email and made such efforts as proper and reasonable

13 There should be no undue prejudice.They are items would have and should have provided the Trustee.

14 While the Trustee was also sent a LR 1030 request did indicate they had some of the items, the Trustee felt could not provide the items without a court order .

Wherefore creditors/Claimants/Movants move for an order requiring the items be produced , that to the extent needed the Trustee be provided a court order to provide Copies or access to the documents it has that meet the above, for an order limine barring debtor and debtor counsel from making claims about or refuting information that would have been covered by the documents, that there be an adverse inference from the failure to provide the items and to the extent needed the hearing be continued to after such time as the items can be produced and such other relief as proper.

.Respectfully submitted

BY /s/ Susan H Mello

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Pro se Creditor /Plaintiff and Attorney For

Creditor /Plaintiff Susan H Mello LLC

The undersigned confirms that she eserved a copy on D Daugherty and A Redden-Jansen by e service and understands the Notice of Electronic filing and as such other than what was mailed all necessary parties are served with this documents via the Court's CM/ECF system on the _10_ day of October 2016 /s/ Susan H Mello